

FOR OFFICE USE ONLY

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United States of America

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
Plaintiff,
v.
BRUCE D. COWEN,
Defendant.

No. CV 12-10005-ODW(AJWx)
[CR 10-0229-ODW]

CLERK'S NOTICE OF
POSTJUDGMENT GARNISHMENT

[HON. OTIS D. WRIGHT II]

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1 TO BRUCE D. COWEN:

2 You are hereby notified that the funds held by garnishee
3 WELLS FARGO BANK are being taken by the United States of America
4 (the Government), which has a court judgment in the above-
5 captioned case in the amount of \$2,833,888.62. As of January 8,
6 2013, the total principal balance is \$1,330,141.60 (i.e.,
7 excluding interest).

8 The Federal Debt Collection Procedures Act requires
9 the garnishee to file an Answer to the writ of garnishment.
10 28 U.S.C. § 3205(c)(4). In the Answer, the garnishee is required
11 to state whether it has custody, control, or possession of
12 property belonging to the judgment debtor, a description of the
13 property and a statement of its value, a description of any
14 previous garnishments of the property, and the amount that the
15 garnishee anticipates owing the judgment debtor in the future.

16 The Act further provides that within 20 days following the
17 receipt of an Answer, either the United States or the judgment
18 debtor may file a written objection to the answer, and request
19 a hearing. The objection shall identify the party filing it
20 and shall state the grounds for the objection to the Answer.

21 28 U.S.C. § 3205(c)(5). The Court shall conduct a hearing on the
22 objection to the Answer of the garnishee within 10 days after
23 service of the request, or as soon thereafter as practicable.

24 Id. Any objection to an Answer filed by a garnishee must be set
25 forth in a pleading and filed by the judgment debtor or the
26 United States with the Clerk of the United States District Court.

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1 If no objection to the Answer of the garnishee is filed,
2 and no request for a hearing is received by the Court, the Court
3 shall promptly enter an order directing the garnishee as to the
4 disposition of the debtor's nonexempt interest in the garnished
5 property. If a hearing is timely requested, the order for
6 disposition of the property shall be entered by the Court
7 within five (5) days after the hearing, or as soon as
8 practicable. 28 U.S.C. § 3205(c)(7).

9 In addition, YOU ARE HEREBY NOTIFIED that there are
10 exemptions under the law which may protect some of the property
11 from being taken by the Government if you can show that the
12 exemptions apply. Attached is a summary of the major exemptions
13 which apply in most situations in the State of California.

14 You have a right to ask the Court to return your property
15 to you if you think you do not owe the money to the Government
16 that it claims you do, or if you think the property the
17 Government is taking qualifies under one of the exemptions.

18 You must either mail your request for hearing, or deliver it
19 in person, to the Clerk of the United States District Court at
20 312 North Spring Street, Los Angeles, California 90012. You must
21 also send a copy of your request to the United States Attorney at
22 Room 7516AA-Federal Building, 300 North Los Angeles Street, Los
23 Angeles, California 90012, Attention: Financial Litigation Unit,
24 so the Government will know you want a hearing. If you wish,
25 you may use the attached form to request the hearing.

26 The hearing will take place within five (5) days after the
27 Clerk receives your request, if you ask for it to take place that
28 quickly, or as soon after that as possible.

1 At the hearing, you may explain to the judge why you believe
2 the property the Government has taken is exempt or if you think
3 you do not owe the money to the United States Government that it
4 says you do. If you do not request a hearing within 20 days of
5 receiving this notice, your property may be sold at public
6 auction with the proceeds applied toward the money you owe the
7 Government.

8 If you think you live outside the federal judicial district
9 in which the Court is located, you may request, no later than
10 20 days after you receive this notice, that this proceeding
11 to take your property be transferred by the Court to the federal
12 judicial district in which you reside. You must make your
13 request in writing, and either mail it or deliver it in person
14 to the Clerk of the Court at 312 North Spring Street, Los
15 Angeles, California 90012. You must also send a copy of your
16 request to the Government in care of United States Attorney,
17 Room 7516AA-Federal Building, 300 North Los Angeles Street, Los
18 Angeles, California 90012, Attention: Financial Litigation Unit,
19 so the Government will know you want the proceeding to be
20 transferred.

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Be sure to keep a copy of this notice for your own records.

If you have any questions about your rights or about this procedure, you should contact a lawyer, an officer of public legal assistance, or the Clerk of the Court. The Clerk is not permitted to give legal advice, but can refer you to other sources of information.

DATED: February 5 2013.

TERRY NAFIS
CLERK, UNITED STATES DISTRICT COURT

 SHEA BOUVENIS

BY: DEPUTY

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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRUCE D. COWEN,

Defendant.

No. CV 12-10005-ODW(AJWx)

[CR 10-0229-ODW]

REQUEST FOR HEARING RE
GARNISHMENT

☐ I do request a hearing because the property that the Government is taking is exempt, for the reasons checked on the Claim For Exemption form attached to this request.

Defendant's Signature

Address:

Date:

Telephone No.

[Include Area Code]

RETURN THIS REQUEST TO:

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
312 N. SPRING STREET, ROOM G-8
LOS ANGELES, CA 90012

SEND COPIES OF THIS REQUEST TO:

UNITED STATES ATTORNEY'S OFFICE
CENTRAL DISTRICT OF CALIFORNIA
300 N. LOS ANGELES STREET STE.7516AA
LOS ANGELES, CA 90012
ATTN: FINANCIAL LITIGATION UNIT

1 NOTICE TO DEFENDANT DEBTOR ON

2 HOW TO CLAIM EXEMPTIONS

3 CRIMINAL EXEMPTIONS

4 The attached post-judgment process has been issued on
5 request of the United States of America.

6 The law provides that certain property and wages cannot
7 be taken. Such property is said to be exempted. This Notice
8 lists the exemptions under Federal law, as set forth in 18 U.S.C.
9 § 3613(a). There is no exemption solely because you are having
10 difficulty paying your debts.

11 If you claim an exemption, you should (1) fill out the claim
12 for exemption form and (2) deliver or mail the form to the
13 Clerk's Office of the United States District Court, Central
14 District of California and counsel for the United States.

15 If the United States of America as creditor is asking that
16 your wages be withheld, the method of computing the amount of
17 wages which are exempt from garnishment by law is indicated on
18 the Claim for Exemption form which is attached. You do not need
19 to file a claim for exemption to receive this exemption, but if
20 you believe the wrong amount is being withheld, you may file a
21 claim for exemption.

22 If the Court sets a hearing date, on the day of the hearing
23 you should be ready to explain why your property is exempted.
24 You should present to the Court any documents which may help you
25 prove your case.

CLAIM FOR EXEMPTION FORM

CRIMINAL CASE

[18 U.S.C. § 3613]

I claim that the exemption(s) from garnishment and/or execution which are checked below apply in this case:

- ☐ 1. Wearing apparel and school books as are necessary for the taxpayer or for members of his family.
18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(1).
- ☐ 2. Fuel, provisions, furniture and personal effects, and arms for personal use, livestock, and poultry of the taxpayer, as does not exceed \$6,250 in value. 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(2).
- ☐ 3. Books and tools necessary for the trade, business or profession of the taxpayer as do not exceed in the aggregate \$3,125 in value.
18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(3).
- ☐ 4. Unemployment benefits. 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(4).
- ☐ 5. Undelivered mail. 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(5).

1 6. Annuity and pension payments under the Railroad
2 Retirement Act, Railroad Unemployment Insurance
3 Act, pension payments received by Medal of Honor
4 awardees, and annuities based on retired or
5 retainer pay under Chapter 73 of Title 10, U.S.C.;
6 18 U.S.C. § 3613(a)(1); 26 U.S.C. §6334(a)(6).

7
8 7. Workmen's Compensation. 18 U.S.C. § 3613(a)(1);
9 26 U.S.C. § 6334(a)(7).

10
11 8. Child Support. If the taxpayer is required by
12 judgment of a court of competent jurisdiction,
13 entered prior to the date of levy, to contribute
14 to the support of his minor children, so much of
15 his salary, wages, or other income as is necessary
16 to comply with such judgment. 18 U.S.C.
17 §3613(a)(1); 26 U.S.C. § 6334(a)(8).

18
19 9. Certain service-connected disability payments.
20 18 U.S.C. § 3613(a)(1); 26 U.S.C. § 6334(a)(10).

21
22 10. Assistance under Job Training Partnership Act
23 (29 U.S.C. §§ 1501 et. seq.) 18 U.S.C.
24 § 613(a)(1); 26 U.S.C. § 6334(a)(12).

11. Earnings and Wages. The maximum part of the aggregate disposable earnings of the debtor which is subjected to garnishment may not exceed 25% of the debtor's disposable earnings for that work week or the amount by which the debtor's disposable earnings for that week exceed 30 times the Federal minimum hourly wage, whichever is less. 18 U.S.C. § 3613(a)(3); 15 U.S.C. § 1673.

The statements made in this claim of exemptions and fair market value of the property designated are made and declared under penalty of perjury that they are true and correct. I hereby request a court hearing to decide the validity of my claims. Notice of the hearing should be given to me by mail at:

Telephone: ()

[Debtor's printed or typed name]

[Signature]

[Date]